

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Matthew D. Wilson and
Troy Edhlund,

Plaintiffs,

vs.

Cook County, et al.

Defendants.

Case No.

NOTICE OF REMOVAL TO FEDERAL COURT

Defendants County of Cook, the Cook County Board President Toni Preckwinkle, the Cook County Board of Commissioners, Jerry Butler, Deborah Sims, Peter Silvestri, Gregg Goslin, Timothy Schneider, Luis Arroyo, Jr., Richard Boykin, Dennis Deer, John Fritchey, Bridget Gainer, Jesus G. Garcia, Edward Moody, Sean Morrison, and Jeffrey Tobolski, and, Cook County Sheriff Thomas Dart, in their official capacities, through their attorney, KIMBERLY M. FOXX, State's Attorney of Cook County by her Assistant State's Attorneys, remove this lawsuit to federal court pursuant to 28 U.S.C. §§ 1441, *et al.* In support, Defendants state:

1. There is now pending in the Chancery Division of the Circuit Court of Cook County, Illinois, a certain action in which Matthew Wilson and Troy Edhlund are Plaintiffs and the County Defendants are named under case number 2017 CH 10345.

2. On July 28, 2017, Plaintiffs filed their Complaint against Defendants, which is attached as Exhibit A.

3. On August 30, 2017, certain Defendants, including Cook County, Sheriff Thomas Dart, current County Commissioners Larry Suffredin, John Daley, Deborah Sims, Jerry Butler, Peter Silvestri, Gregg Goslin, and Timothy Schneider were served with the Complaint.

4. On September 14, 2017, Plaintiffs filed an Amended Complaint, updating the names of the Cook County President and certain Commissioners to reflect the current office holders, include President Toni Preckwinkle, Luis Arroyo, Jr., Richard R. Boykin, Dennis Deer, John A. Fritchey, Bridget Gainer, Jesus Garcia, Edward Moody, Stanley Moore, Sean Morrison, and Jeffrey Tobolski.

5. The Amended Complaint, with exhibits, is attached to this notice and incorporated by reference as Exhibits B & C.

6. Counsel for Defendants has received a copy of the Amended the Complaint but Defendants have not yet been served with the Amended Complaint. Defendants have offered to waive service, but Plaintiffs had just filed new summons on the Amended Complaint, cannot undo such filing, and, thus, have not agreed to waiver of service.

7. Because of the filing of the Amended Complaint, Defendants will not answer or otherwise plead to the original Complaint, but will wait until service is perfected on the Amended Complaint.

8. The action is a suit of a civil nature.

9. The Amended Complaint predominantly contains allegations that the Defendants violated Plaintiffs' Due Process, Second Amendment, and Equal Protection rights under the United States Constitution. Plaintiffs' Amended Complaint also alleges a violation of the Article I, Section 22 of the Illinois Constitution, which is the State of Illinois' right to bear arms provision.

10. This Court has original jurisdiction over this action under 28 U.S.C. sec. 1331, and supplemental jurisdiction over the state tort claims under 28 U.S.C. sec 1367. This action may be removed to this Court pursuant to 28 U.S.C. 1441, *et al.*

11. This notice is being filed within thirty (30) days of the defendants being served with Plaintiff's Complaint and that the time for filing this notice has not expired.

12. Written notice of the filing of this notice shall be given to all parties as provided by law.

13. All properly served defendants consent to the removal of this action.

14. Pursuant to 28 U.S.C. § 1446(a), copies of all process served upon Defendants are attached as Exhibits D.

15. Promptly after filing this Notice of Removal, Defendants shall serve a copy of this Notice upon Plaintiffs and file a copy of this Notice with the Clerk of the Circuit Court of Cook County, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that the above-entitled action pending in the Circuit Court of Cook County, case number 17 CH 10345 be removed to federal court.

Respectfully Submitted,

KIMBERLY M. FOXX
Cook County State's Attorney

/s/ Sisavanh B. Baker
Sisavanh B. Baker
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-7998

CERTIFICATION

I, Sisavanh Baker, certifies that on September 28, 2017, I served the Notice of Removal to Federal Court email and by depositing the same in the US Mail with proper postage prepaid before 5:00 p.m.

David G. Sigale PC
Law Firm of David G. Sigale, P.C.
799 Roosevelt #227
Glen Ellyn, IL 60137
dsigale@sigalelaw.com

Gregory A. Bedell
Knabe, Kroning & Bedell
20 South Clark Street, Suite 2301
Chicago, IL 60603
gbedell@kkbchicago.com

By: /s/ Sisavanh B. Baker